

**State Bar of California
Real Property Law Section
Executive Committee Meeting
Friday, September 29, 2007
1:00 p.m. – 5:00 p.m.
Anaheim, California**

The purpose of the Section is to (1) further the knowledge of its members in real property law, including the law of real property finance and public finance, landlord-tenant, leases and ground leases, low-income community law, property taxes, land titles, land use and environmental regulations, natural resources, zoning, land sales, construction and development, condominiums and litigation practice related to these areas, (2) assist in the formulation of laws and regulations by public bodies through affirmative legislative proposals and by reviewing the legislative proposals of others, (3) assist, when called upon by the Board of Governors of the State Bar of California, in the formulation, administration and implementation of programs, forums, and other activities for the education of members of the State Bar and the public in real property law, (4) act upon matters germane to its purposes or referred to it by the Board of Governors, and (5) make recommendations to the Board of Governors.

Primary Goals of the Real Property Law Section Executive Committee:

- 1. To provide Legal Education to Section Members;***
- 2. To Facilitate Networking and Participation among Real Estate Lawyers;***
- 3. To ensure the institutional health, succession, and longevity of the Section, its Subsections, the ExCom, and their Activities***

Meeting Agenda:

- 1. Call to Order**
- 2. Appointment of Recording Secretary**
- 3. Introductions and Welcome to Newly Appointed 2007-08 Members**
- 4. Consent Agenda:**
 - a. Approval of Minutes of 6/07 San Francisco Meeting (*attached*)**
 - b. Approval of Y-T-D Financial Report (*attached*)**
 - c. Acceptance of Education Committee Report (*attached*)**
 - d. Acceptance of Journal Committee Report (*attached*)**
 - e. Acceptance of Membership and Outreach Committee Report (*attached*)**
 - f. Confirmation of Future Meetings:**

October 18, 2007 – Fly-In Meeting in Fresno (Thursday)

November 2-4, 2007 – Long Range Planning (Esmeralda in the Desert)

February 8 –10, 2008 – Real Estate Boot Camp

May 2 – 4, 2008 – Annual Retreat at Hilton Torrey Pines in La Jolla, CA

- 5. Subsection Relations Committee Report**
- 6. Post-Mortem on 2006-07 Year**
- 7. Real Estate Lawyer Boot Camp**
- 8. What's on Tap for 2007-08 Year (Elaine)**
- 9. New / Other Business**
- 10. Adjournment**

STATE BAR OF CALIFORNIA REAL PROPERTY LAW SECTION

MINUTES OF EXECUTIVE COMMITTEE MEETING

Friday, June 29, 2007

State Bar Offices in San Francisco, California

Members and advisors present: Jeff Schneider, Sylvia Hamersley, Jethro S. Busch, Scott D. Rogers, Donald C. Nanney, Gillian Van Muyden, Helaine S. Ashton, Nargis Choudhy, Bruce M. Boyd, Michael E. Dullea, Jeffrey S. Conner, Ted Klassen. Guests present: Pam Wilson, Director of Section; Kristina Robledo, Senior Administrative Assistant; Philip Wong, New member (effective 9/07) [portion only].

1. Call to Order and Self Introductions: The meeting was held in the State Bar Offices in San Francisco, California. Jeff Schneider acted as Chair of the meeting and called the meeting to order at approximately 10:47 a.m.
2. Appointment of Recording Secretary. Bruce Boyd served as Recording Secretary and recorded the minutes of the meeting.
3. Introduction and Welcome to Newly Appointed 2007-08 Members. Philip Wang, a newly appointed 2007-08 member, was introduced and welcomed by the Chair. Mr. Wang delivered a brief background of his law practice and outside interests.
4. Virtual Workroom Training. Pam Wilson conducted a demonstration of the State Bar's new Virtual Workroom for the Committee. The new system is an online collaborative tool that will permit members of the Committee to access and collaboratively work on documents and other matters concerning the Committee and the Section. It is anticipated that the system will go "live" within a couple of days. A discussion then ensued regarding the mechanics of the system and possible enhancements to its operation.
5. Consent Agenda.
 - (a) Approval of Minutes. The minutes of the prior Executive Committee meeting on April 27, 2007 (at the Retreat in Silverado) were approved, subject to the correction of the spelling of the names of several members.
 - (b) Approval of Financial Report. The Financial Report of the Committee was approved. Pam Wilson advised the Committee that the Financial Report reflected that membership revenue was down, but this was primarily due to reporting delays. She indicated that a break-even budget was anticipated.
 - (c) Acceptance of Education Committee Report. The Report of the Education Committee was approved.
 - (d) Acceptance of Journal Committee Report. The Report of the Journal Committee was approved.
 - (e) Acceptance of Membership and Outreach Committee Report. The Report of the Membership and Outreach Committee was approved.

(f) Acceptance of Subsection Relations Committee Report. The Report of the Subsection Relations Committee was approved.

(g) Confirmation of Future Meetings. The following meetings were discussed by the Committee:

(i) September 28, 2007 – meeting and dinner, Anaheim (State Bar Annual Meeting).

(ii) October 18, 2007 – outreach summer fly-in (Fresno) – There was a discussion of holding a meeting of the Executive Committee after a joint lunch with the Fresno Bar Association. Mike Dullea will provide additional details as the event gets closer.

(iii) November 2-4, 2007 – long range planning (Esmeralda in the Desert).

(iv) February 8-10, 2008 – real estate Boot Camp. (See more detailed discussion below).

(v) May 2-4, 2008 – annual retreat at Hilton Torrey Pines in La Jolla, California.

6. Real Estate Lawyer Boot Camp. There was an extended discussion of the focus, scope, content, location and timing of the proposed Real Estate Lawyer Boot Camp. A motion was made, seconded and passed by the Committee, to pursue the concept of such a Boot Camp that is designed to develop the substantive and networking skills of lawyers with zero to five years of full-time real estate transactional practice experience. The Chair prepared a detailed summary of the various issues discussed, a copy of which is attached to these Minutes.

7. Outreach to Law Schools. Bruce Boyd reported that his proposal to hold career outreach presentations with students at local law schools was met with little enthusiasm. A brief discussion then ensued and the Committee decided that for the time being the focus on younger lawyers would be placed on the Real Estate Lawyer Boot Camp program rather than a Section outreach to the law schools.

8. Outreach to Real Estate Fraud Group. Mike Dullea reported to the Committee that it has been difficult for him to get a response from the Real Estate Fraud Group (composed of attorneys representing the Attorney General's Office and the Offices of various District Attorneys) regarding a joint meeting. A discussion ensued and it was decided by the Committee that Mike would speak with this group about the possibility of putting on a program at the next Retreat.

9. Top Five DVD Education Panels. Pam Wilson reported to the Committee that online CLE presentations have produced approximately \$500,000 in revenue for the State Bar sections. She further reported that in August 2007, all sections will be offering a benefit to members whereby they will be able to access two online CLE video presentations for free with the purchase of two other video programs (which cost \$35 per hour). A discussion was had regarding whether the RPLS should offer its own online CLE program to its members, but the Committee elected to first assess the results of the August program provided by the Bar.

10. Discount on ABA Books. A brief discussion was held regarding the 35% discount on ABA books that the Bar arranged with the American Bar Association.

11. Subsection Consolidation. There was a further discussion of the issue of subsection consolidation. The Subsection Committee reported that the consolidation has occurred for the most part and no additional consolidation was anticipated at this time. Rather, the focus going forward will be on leadership opportunities.

12. New/Other Business. Gillian Van Muyden asked members of the Committee to keep up their efforts to identify new authors for Journal articles.

13. Adjournment. The meeting was adjourned at 3:45 p.m.

First Annual Boot Camp for Transactional Real Estate Lawyers

Target Participants – lawyers who in their first five years of transactional real estate practice.

Objective – To give the participants an intense and effective grounding in real estate concepts, vocabulary, and issues, and to help them develop their careers as transactional real estate lawyers. Focus on breadth, not depth. Big picture issue-spotting.

Topics:

Title/Title Insurance (*major*)

Purchase/Sale Transactions (*major*)

Leasing (*major*)

Real Estate Financing

Development/Land Use

Construction/Architects/Contractors/Mechanics Liens

Tax Impacts on Real Estate

Negotiation

Drafting

Career Development

The Business of Real Estate Business

Insurance

Remedies/Dispute Resolution (visit the Dark Side)

Ethics

Resources for Participants: Provide practice outlines (Bar Review type) and Best Practice Tips.

Gimmick – Boot camp environment. Maybe special clothes. Maybe a drill sergeant. Maybe walks/runs with boot camp songs about real estate.

Location – easy to get to City such as San Francisco or San Diego, preferably at a military-related location.

Sponsors Possibilities: law firms, CEB, Lexis/Nexus

Some Questions, Issues and Thoughts:

Diversity/Recruitment of Participants

After Boot Camp, the Section can keep in regular contact with participants and perhaps motivate them to attend other Section events and participate in Section activities and leadership. Notify them of appropriate new on-line or in-person Section programs.

Committee Reports

Education Committee Report

1. Annual Meeting – Attached is the list of Real Property panels at this Annual Meeting.
2. 2008 SEI – The Committee has proposed to the State Bar the following panels for 2008 SEI, and are waiting to find out which have been selected:
 - a) The Law of Global Warming and Climate Change (2 hours) An overview of climate change science and a discussion of what is happening in California with respect to implementation of California's new climate change laws, what it means for business, environmental review of climate change within the development context, and the Attorney General's aggressive stance on global warming.
 - b) Insurance for Transactional Lawyers: A Primer. (1 hour) This program will review the typical insurance issues that arise in connection with commercial leasing, real estate-secured loans, and other common real estate transactions. It will include a review of insurance, indemnity, casualty and restoration provisions, and provide sample provisions from negotiated leases and loan documents. (potential speaker: John Worden at Schiff Harden; also insurance broker)
 - c) Please Take Notice: Drafting and Serving Effective Tenancy Notices - (2 hours with 1 hour of legal ethics; Boot Camp session) A faulty notice can kill an unlawful detainer and lead to wrongful eviction, malpractice claim or discipline proceedings. Using an interactive format, the panelists will provide examples of notices to illustrate how to spot defective notices, draft "bulletproof" notices and comply with ethical requirements. (speakers: Jethro Busch and Steve MacDonald)
 - d) Hot Topics in Lending and Foreclosure (1 hour) Discussion of topical lending issues in today's climate, including foreclosure, mortgage fraud and predatory lending. (Speaker: Bob Mullin, Schiff Harden; at least one other panelist to discuss predatory lending)
 - e) Application of ADA and FHA Requirements to Residential Development and in the Legal Workplace (2 hours; 1hour Diversity/Elimination of Bias) Provide overview of disability/access-related regulations that are implicated in the context of both residential construction and in law firms when such regulations are triggered. (Speakers: Marianne Minguet and Neil Hyttinen, Hecht Solberg Robinson Goldberg & Bagley; also another attorney for elimination of bias portion, and an architect)
 - f) Property Taxes: Making the System Work for Your Clients (1 hour) Discussion of the ins and outs of property taxes. Topics will include how to appeal an assessment and more importantly how to avoid an appeal; little known exclusions from reassessment; how Proposition 13, Proposition 8 and subsequent Propositions work for and against your clients; important property tax cases and much more. (Speakers: Julie A. Frambach, and Santa Clara County Assessor Larry Stone)

3. Free CD – The Committee selected “Fast Forward! Ethical and Practical Considerations In the World of Unlawful Detainer Motions and Discovery” for this year’s free MCLE CD to the members.

Journal Committee Report

1. Volume 25, Issue 3 is “in the can” with 5 articles and 2 reader alerts. Will be at the printers by the end of the month with delivery to your mailbox by the last week of October or the first week of November.
2. Volume 25, Issue 4 is on track and on time. We could use one additional reader alert if available in the next week or so.
3. Volume 26, Issue 1: soliciting articles for December 18 submission deadline.
4. Volume 26, Issue 2: tentatively scheduled as a “topical” issue focused on landlord/tenant issues. Additional articles needed. Submission deadline is March 18.
5. Updated Matrix of Shame for 2006-2007 is below. A new matrix for 2007-2008 will be forthcoming.
6. Overall process continues to move smoothly. Note continual need for authors, editors and MCLE test writers. State Bar virtual workroom for the Journal Committee is up and running and we are learning how to make us of it.

Nargis Choudhry	Advisor	Done	MCLE Test Writer
David Blackwell	Advisor	Pending	Write article
Rich Carlston	Advisor	Done	Find 2 authors; provide indexer for past Journals
Teresa Klinkner	Advisor		
Jean Bertrand	Advisor	Pending	MCLE Test Writer
David Bagley	Advisor	Done	Write Article - Contractor's Licensing Issues
Jethro Busch	Advisor	Done	Write Reader Alert
Jeffrey Schneider	Member	Pending	Issue editor and Chairman's farewell message
Elaine Anderson	Member	Done	Find authors(s)
Helaine Ashton	Member	Done	Find 1 author
Paul Dubrasich	Member	Pending	Write Article - Mixed Use Developments (due December 18, 2007)
Scott Rogers	Member	Done	Journal Comm.; Executive Editor (Articles); Write ALTA Forms Art
Julie Frambach	Member	Done	MCLE Test Writer; find author
Jeff Conner	Member	Done	Writing Design-Build article
Holly Cordova	Member	Done	MCLE Test Writer
Mike Dullea	Member	Done	Write article - Subdivision Map Act
Ted Klaassen	Member	Done	Writing Top 10 Cases article
Don Nanney	Member	Pending	Write Article - Environmental Insurance (due December 18, 2007)
Mia Weber	Member	Done	Journal Comm.; Retiring Managing Editor
Bruce Boyd	Member	Done	Write Article - International Real Estate Transactions
Sylvia Hamersly	Member	Done	Issue editor (Vol. 24, No.4)
Bill Shiber	Member		Write article
Kay Rubin	Liason	Pending	Issue editor

Membership and Outreach Committee Report

- 1) Atty Steve Robinson of the SD District Attorney's office has agreed to speak at our upcoming Long Range Planning Meeting in Palm Desert on November 2nd. Mike Dullea will be speaking at the Real Estate Fraud Conference of the District Attorney's Association on November 14th in San Luis Obispo.
- 2) We have confirmed our Joint Meeting with the Central Valley Round Table group for Thursday, October 18th in Fresno @ the Ramada Inn. Speakers will be Scott Rogers and me on the new 2006 ALTA Policy of Title Insurance.
- 3) The Subdivision Map Act article will be published in the next edition of the Real Property Law Journal and will include the MCLE Compliance Test. The article is co-authored by George Hurley, Christina Sansone and me. Gillian van Muyden was of tremendous help.

There is no further update regarding our outreach efforts with the law schools following our prior report.

**State Bar of California
Real Property Law Section Executive Committee**

2006-2007 Standing Committees

Retreat

Chair: Elaine Andersson
Members: Don Nanney, Holly Cordova
Advisors: Rich Carlston, David Bagley, Jeff Schneider

Journal

Chair: Scott Rogers
Members: Mia Weber
Advisor: Teresa Klinkner

Subsection Relations

Co-Chairs: Helaine Ashton and Paul Dubrasich
Members: Bill Shiber, Jeff Conner
Advisor: Nargis Choudhry

Education

Chair: Holly Cordova
Members: Sylvia Hamersly
Advisor: Jethro Busch

Membership and Outreach

Co-Chairs: Julie Frambach and Mike Dullea
Members: Bruce Boyd, Ted Klassen
Advisors: David Blackwell, Jean Bertrand

Committee Goals Established by the Following Committees

(repeated without copyright permission from Minutes of Long Range Planning Meeting in Rancho Bernardo)

Education Committee:

- A better balance of basic and advanced programs so neither beginning nor advanced attorneys feel left out (in response to past complaints both ways).
- The November 15 deadline for scheduling in-person programs in 2007 will be communicated to Subsections together with solicitation of ideas for program topics and speakers.

Subsection Relations Committee:

- Goals include improving communications with Subsections, and involvement and accountability of Subsection Chairs.
- The Committee will hold another webinar or alternative learning session about the end of September regarding Subsection planning and deadlines, including the November 15 date.
- The Committee discussed using Subsections as a vehicle for communicating relevant legislative developments. They will determine what kinds of legislation are of interest to the respective Subsections and inform Mr. Doyle, who can then screen legislative update information and disseminate it electronically to the applicable Subsection Chairs.
- The Committee considered consolidation of certain Subsections to achieve more critical mass (e.g., Public Private Partnerships, which has few members), and will consider appointment of new Subsection leadership where existing leadership is not sufficiently active.
- The distinction between North and South Subsections has been eliminated for email communications, with Subsection announcements to go out on a statewide basis. Merger of leadership is being considered as well, or perhaps having North and South Co-Chairs.
- The Committee proposes to invite some Subsection Chairs to each Ex Com meeting, with a goal of extending that opportunity to all of them periodically. The purpose would be to (i) give them more insight into the workings of the Section at the Ex Com level and have them feel like they are participating in the Section and not just a Subsection, (ii) encourage application for membership on Ex Com, with healthy succession by active participants, and (iii) ask them to report on their Subsection activities, which may encourage activity to report!
- The Committee proposes that each Subsection have a designated Ex Com member as a liaison and resource. Ex Com members are to email Mr. Dubrasich with any preferences for Subsection liaison assignments.

Membership & Outreach Committee:

- Goals include (i) succession planning for Ex Com and Committees, (ii) updating printed materials about the Section, with a conference call to be held in two weeks to discuss this, and (iii) to review and update the Section website, in coordination with State Bar Staff.
- The Committee discussed establishing liaisons with other Sections and with other industry groups (e.g., BOMA, BIA, CREW).
- A product idea discussed by the Committee would be assembling and binding past Journal issues for sale (e.g., the last years' issues, or the last five or 10 years, or even all the issues since the first issue some 24 years ago). This was thought to be marketable even though many issues are available free on our website. Some people would prefer hard copies.
- The Committee assigned certain roles or tasks to its members:

Ms. Frambach will obtain a list of all bar associations in the state and try to coordinate with them (e.g., co-sponsoring of programs, providing taped programs to remote areas).

Mr. Dullea will work on legislative liaison issues.

Mr. Boyd will work on law student involvement in the Section, drawing from his experience with the International Law Section on this.

Mr. Klaassen will research the communication resources available through the State Bar, and try to get a better understanding of composition of the Section's membership (e.g., large firm, small firm, solo, government etc.) and their needs that our Section might serve.